



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB2603

Introduced 2/7/2018, by Sen. Laura M. Murphy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Music Therapy Licensing and Practice Act. Provides for licensure of music therapists by the Department of Financial and Professional Regulation. Establishes the powers and duties of the Department, including prescribing rules defining what constitutes an appropriate curriculum for music therapy, reviewing the qualifications of applicants for licenses, investigating alleged violations of the Act, conducting hearings on disciplinary and other matters, and establishing a schedule of fees for the administration and enforcement of the Act. Establishes qualifications for licensure as a music therapist. Provides that a music therapist shall collaborate with other professionals when applicable in providing music therapy services. Provides that licenses issued under the Act shall be renewed biennially. Establishes the Music Therapy Advisory Committee. Establishes the powers and duties of the advisory committee, including advising the Department on all matters pertaining to licensure, education, and continuing education requirements for music therapists. Establishes grounds for discipline of a license. Provides for civil and criminal penalties for violations of the Act. Creates provisions concerning formal hearings, including transcripts of proceedings, appointment of hearing officers, subpoenas and depositions, and rehearings. Provides for judicial review of all final administrative decisions of the Department. Preempts home rule. Effective immediately.

LRB100 18369 XWW 33576 b

CORRECTIONAL
BUDGET AND
IMPACT NOTE ACT
MAY APPLY

FISCAL NOTE ACT
MAY APPLY

HOME RULE NOTE
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Music
5 Therapy Licensing and Practice Act.

6 Section 5. Declaration of public policy. The practice of
7 professional music therapy is hereby declared to affect the
8 public health, safety, and welfare and to be subject to
9 regulation in the public interest. The purpose of the Act is to
10 ensure the highest degree of professional conduct on the part
11 of music therapists, to guarantee the availability of music
12 therapy services provided by a qualified professional to
13 persons in need of those services, and to protect the public
14 from the practice of music therapy by unqualified individuals.

15 Section 10. Definitions. For purposes of this Act, the
16 following definitions shall have the following meanings,
17 except where the context requires otherwise:

18 "Address of record" means the designated address recorded
19 by the Department in the applicant's or licensee's application
20 file or license file as maintained by the Department's
21 licensure maintenance unit. It is the duty of the applicant or
22 licensee to inform the Department of any change of address, and

1 those changes must be made either through the Department's
2 website or by contacting the Department.

3 "Advisory committee" means the Music Therapy Advisory
4 Committee.

5 "Board-certified music therapist" means an individual who
6 has completed the education and clinical training requirements
7 established by the American Music Therapy Association, has
8 passed the Certification Board for Music Therapists
9 certification examination or transitioned into board
10 certification, and remains actively certified by the
11 Certification Board for Music Therapists.

12 "Department" means the Department of Financial and
13 Professional Regulation.

14 "Music therapist" means a person licensed to practice music
15 therapy pursuant to this Act.

16 "Music therapy" means the clinical and evidence-based use
17 of music interventions to accomplish individualized goals for
18 people of all ages and ability levels within a therapeutic
19 relationship by a credentialed professional who has completed
20 an approved music therapy program. The music therapy
21 interventions may include music improvisation, receptive music
22 listening, song writing, lyric discussion, music and imagery,
23 singing, music performance, learning through music, music
24 combined with other arts, music-assisted relaxation,
25 music-based patient education, electronic music technology,
26 adapted music intervention, and movement to music. The practice

1 of music therapy does not include the diagnosis or assessment
2 of any physical, mental, or communication disorder.

3 "Person" means an individual, association, partnership, or
4 corporation.

5 "Secretary" means the Secretary of Financial and
6 Professional Regulation or his or her designee.

7 Section 15. Music Therapy Advisory Committee. There is
8 created within the Department a Music Therapy Advisory
9 Committee, which shall consist of 5 members. The Secretary
10 shall appoint all members of the advisory committee. The
11 advisory committee shall consist of persons familiar with the
12 practice of music therapy to provide the Secretary with
13 expertise and assistance in carrying out his or her duties
14 pursuant to this Act. The Secretary shall appoint members of
15 the advisory committee to serve for terms of 4 years, and
16 members may serve consecutive terms at the will of the
17 Secretary. Any vacancy shall be filled in the same manner as a
18 regular appointment. The Secretary shall appoint 3 members who
19 practice as music therapists in this State, one member who is a
20 licensed health care provider who is not a music therapist, and
21 one member who is a consumer. Members shall serve without
22 compensation.

23 Section 20. Music Therapy Advisory Committee; powers and
24 duties.

1 (a) The advisory committee shall meet at least once per
2 year or as otherwise called by the Secretary.

3 (b) The Secretary shall consult with the advisory committee
4 prior to setting or changing fees under this Act.

5 (c) The advisory committee may facilitate the development
6 of materials that the Secretary may utilize to educate the
7 public concerning music therapist licensure, the benefits of
8 music therapy, and the utilization of music therapy by
9 individuals and in facilities or institutional settings.

10 (d) The advisory committee may act as a facilitator of
11 statewide dissemination of information between music
12 therapists, the American Music Therapy Association or any
13 successor organization, the Certification Board for Music
14 Therapists or any successor organization, and the Secretary.

15 (e) The advisory committee shall provide an analysis of
16 disciplinary actions, appeals and denials, and license
17 revocations at least once per year.

18 (f) The Secretary shall seek the advice of the advisory
19 committee for issues related to music therapy.

20 (g) The advisory committee shall advise the Department on
21 all matters pertaining to the licensure, education, continuing
22 education requirements for and practice of music therapy in
23 this State.

24 (h) The advisory committee shall assist and advise the
25 Department in all hearings involving music therapists who are
26 alleged to be in violation of this Act.

1 Section 25. Exemptions.

2 (a) This Act does not prohibit any persons legally
3 regulated in this State by any other Act from engaging in the
4 practice for which they are authorized as long as they do not
5 represent themselves by the title of "music therapist" or
6 "licensed music therapist". This Act does not prohibit the
7 practice of nonregulated professions whose practitioners are
8 engaged in the delivery of human services as long as these
9 practitioners do not represent themselves as or use the title
10 of "music therapist" or "licensed music therapist".

11 (b) Nothing in this Act shall be construed to limit the
12 activities and services of a student enrolled in an accredited
13 music therapy program if these activities and services
14 constitute an integral part of the student's supervised course
15 of study as long as the student does not represent himself or
16 herself as a "music therapist" or "licensed music therapist".

17 Section 30. Restrictions and limitations. No person shall,
18 without a valid license as a music therapist issued by the
19 Department (i) in any manner hold himself or herself out to the
20 public as a music therapist under this Act; (ii) use in
21 connection with his or her name or place of business the title
22 "music therapist" or "licensed music therapist" or any words,
23 letters, abbreviations, or insignia indicating or implying a
24 person has met the qualifications for or has the license issued

1 under this Act; or (iii) offer to render or render to
2 individuals, corporations, or the public music therapy
3 services if the words "music therapist" or "licensed music
4 therapist" are used to describe the person offering to render
5 or rendering them or "music therapy" is used to describe the
6 services rendered or offered to be rendered.

7 Section 33. Collaboration. Before or during the provision
8 of music therapy services to a client for a speech, language,
9 voice, fluency, cognitive-linguistic, or swallowing disorder,
10 the music therapist shall collaborate, as applicable, with the
11 client's speech-language pathologist or audiologist to review
12 the client's diagnosis. Before or during the provision of music
13 therapy services to a client for a medical, developmental, or
14 mental health condition, the music therapist shall
15 collaborate, as applicable, with the client's physician,
16 psychologist, licensed clinical social worker, or other mental
17 health professional to review the client's diagnosis,
18 treatment needs, and treatment plan.

19 Section 35. Unlicensed practice; violation; civil penalty.

20 (a) Any person who practices, offers to practice, attempts
21 to practice, or holds himself or herself out to practice as a
22 music therapist without being licensed or exempt under this Act
23 shall, in addition to any other penalty provided by law, pay a
24 civil penalty to the Department in an amount not to exceed

1 \$10,000 for each offense, as determined by the Department. The
2 civil penalty shall be assessed by the Department after a
3 hearing is held in accordance with the provisions set forth in
4 this Act regarding the provision of a hearing for the
5 discipline of a licensee.

6 (b) The Department may investigate any actual, alleged, or
7 suspected unlicensed activity.

8 (c) The civil penalty shall be paid within 60 days after
9 the effective date of the order imposing the civil penalty. The
10 order shall constitute a final judgment and may be filed and
11 execution had thereon in the same manner as any judgment from
12 any court of record.

13 Section 40. Powers and duties of the Department. Subject to
14 the provisions of this Act, the Department shall:

15 (1) adopt rules defining what constitutes a curriculum
16 for music therapy that is reputable and in good standing;

17 (2) adopt rules providing for the establishment of a
18 uniform and reasonable standard of instruction and
19 maintenance to be observed by all curricula for music
20 therapy that are approved by the Department and determine
21 the reputability and good standing of such curricula for
22 music therapy by reference to compliance with the rules,
23 provided that no school of music therapy that refuses
24 admittance to applicants solely on account of race, color,
25 creed, sex, or national origin shall be considered

1 reputable and in good standing;

2 (3) adopt and publish rules for a method of examination
3 of candidates for licensed music therapists and for
4 issuance of licenses authorizing candidates upon passing
5 examination to practice as licensed music therapists;

6 (4) review applications to ascertain the
7 qualifications of applicants for licenses;

8 (5) authorize examinations to ascertain the
9 qualifications of those applicants who require such
10 examinations as a component of a license;

11 (6) conduct hearings on proceedings to refuse to issue
12 or renew or to revoke licenses or suspend, place on
13 probation, censure, or reprimand persons licensed under
14 this Act and to refuse to issue or renew or to revoke
15 licenses or suspend, place on probation, censure, or
16 reprimand persons licensed under this Act;

17 (7) adopt rules necessary for the administration of
18 this Act; and

19 (8) maintain a list of music therapists authorized to
20 practice in the State; this list shall show the name of
21 every licensee, his last known place of residence and the
22 date and number of his or her license; any interested
23 person in the State may obtain a copy of that list on
24 application to the Department and payment of the required
25 fee.

1 Section 45. Application for original license.
2 Applications for original licenses shall be made to the
3 Department on forms prescribed by the Department and
4 accompanied by the required fee, which is not refundable. All
5 applications shall contain such information that, in the
6 judgment of the Department, will enable the Department to pass
7 on the qualifications of the applicant for a license to
8 practice as a music therapist. If an applicant fails to obtain
9 a license under this Act within 3 years after filing his or her
10 application, the application shall be denied. The applicant may
11 make a new application, which shall be accompanied by the
12 required nonrefundable fee. The applicant shall be required to
13 meet the qualifications required for licensure at the time of
14 reapplication.

15 Section 50. Social Security Number on license application.
16 In addition to any other information required to be contained
17 in the application, every application for an original license
18 under this Act shall include the applicant's Social Security
19 Number, which shall be retained in the Department's records
20 pertaining to the license. As soon as practical, the Department
21 shall assign a customer's identification number to each
22 applicant for a license. Every application for a renewal,
23 reinstated, or restored license shall require the applicant's
24 customer identification number.

1 Section 55. Qualifications for licensure.

2 (a) The Secretary shall issue a license to an applicant for
3 a music therapy license if such applicant has completed and
4 submitted an application form in such manner as the Secretary
5 prescribes, accompanied by applicable fees, and evidence
6 satisfactory to the Secretary that:

7 (1) the applicant is at least 18 years of age;

8 (2) the applicant holds a bachelor's degree or higher
9 in music therapy, or its equivalent, from a program
10 approved by the American Music Therapy Association or any
11 successor organization within an accredited college or
12 university;

13 (3) the applicant has successfully completed a minimum
14 of 1,200 hours of clinical training, with at least 180
15 hours of pre-internship experience and at least 900 hours
16 of internship experience, provided that the internship is
17 approved by an academic institution or the American Music
18 Therapy Association or any successor organization;

19 (4) the applicant is in good standing based on a review
20 of any music therapy licensure history the applicant may
21 have in other jurisdictions, including any alleged
22 misconduct or neglect in the practice of music therapy; and

23 (5) the applicant provides proof of passing the
24 examination for board certification offered by the
25 Certification Board for Music Therapists or any successor
26 organization, provides proof of being transitioned into

1 board certification, and provides proof that the applicant
2 is currently a board-certified music therapist.

3 (b) The Secretary shall issue a license to an applicant for
4 a music therapy license if such applicant has completed and
5 submitted an application upon a form and in such manner as the
6 Secretary prescribes, accompanied by any applicable fees, and
7 evidence satisfactory to the Secretary that the applicant is
8 licensed and in good standing as a music therapist in another
9 jurisdiction where the qualifications required are equal to or
10 greater than those required by this Act at the date of
11 application.

12 (c) The Secretary shall waive the examination requirement
13 until January 1, 2023 for an applicant who is designated as a
14 registered music therapist, certified music therapist, or
15 advanced certified music therapist and is in good standing with
16 the national music therapy registry.

17 Section 60. License renewal.

18 (a) Every license issued under this Act shall be renewed
19 biennially. A license shall be renewed upon payment of a
20 renewal fee, provided that the applicant is not in violation of
21 any of the terms of this Act at the time of application for
22 renewal. The following shall also be required for license
23 renewal:

24 (1) proof of maintenance of the applicant's status as a
25 board-certified music therapist; and

1 (2) proof of completion of a minimum of 40 hours of
2 continuing education in a program approved by the
3 Certification Board for Music Therapists or any successor
4 organization and any other continuing education
5 requirements established by the Secretary.

6 (b) A licensee shall inform the Secretary of any changes to
7 his or her address. Each licensee shall be responsible for
8 timely renewal of his or her license.

9 (c) Failure to renew a license shall result in forfeiture
10 of the license. Licenses that have been forfeited may be
11 restored within one year after the expiration date upon payment
12 of renewal and restoration fees. Failure to restore a forfeited
13 license within one year after the date of its expiration shall
14 result in the automatic termination of the license, and the
15 Secretary may require the individual to reapply for licensure
16 as a new applicant.

17 (d) Upon written request of a licensee, the Secretary may
18 place an active license on an inactive status subject to an
19 inactive status fee established by the Secretary. The licensee,
20 upon request and payment of the inactive license fee, may
21 continue on inactive status for a period up to 2 years. An
22 inactive license may be reactivated at any time by making a
23 written request to the Secretary and by fulfilling the
24 requirements established by the Secretary.

25 Section 65. Inactive status. A person who notifies the

1 Department in writing on forms prescribed by the Department may
2 elect to place his or her license on inactive status and shall,
3 subject to rule of the Department, be excused from payment of
4 renewal fees until he or she notifies the Department, in
5 writing, of his or her desire to resume active status. A person
6 requesting restoration from inactive status shall be required
7 to pay the current renewal fee and shall be required to restore
8 his or her license. Practice by an individual whose license is
9 on inactive status shall be considered to be the unlicensed
10 practice of music therapy and shall be grounds for discipline
11 under this Act.

12 Section 70. Fees; deposit of fees. The Department shall,
13 by rule, establish a schedule of fees for the administration
14 and enforcement of this Act. These fees shall be nonrefundable.
15 All of the fees and fines collected under this Act shall be
16 deposited into the General Professions Dedicated Fund. The
17 moneys deposited into the General Professions Dedicated Fund
18 shall be used by the Department, as appropriate, for the
19 ordinary and contingent expenses of the Department. Moneys in
20 the General Professions Dedicated Fund may be invested and
21 reinvested, with all earnings received from these investments
22 being deposited into that Fund and used for the same purposes
23 as the fees and fines deposited in that Fund.

24 Section 75. Checks or orders dishonored. Any person who

1 issues or delivers a check or other order to the Department
2 that is returned to the Department unpaid by the financial
3 institution upon which it is drawn shall pay to the Department,
4 in addition to the amount already owed to the Department, a
5 fine of \$50. The fines imposed by this Section are in addition
6 to any other discipline provided under this Act prohibiting
7 unlicensed practice or practice on a nonrenewed license. The
8 Department shall notify the person that payment of fees and
9 fines shall be paid to the Department by certified check or
10 money order within 30 calendar days after notification. If,
11 after the expiration of 30 days from the date of the
12 notification, the person has failed to submit the necessary
13 remittance, the Department shall automatically terminate the
14 license or certification or deny the application, without
15 hearing. If, after termination or denial, the person seeks a
16 license or certificate, he or she shall apply to the Department
17 for restoration or issuance of the license or certificate and
18 pay all fees and fines due to the Department. The Department
19 may establish a fee for the processing of an application for
20 restoration of a license to pay all costs and expenses of
21 processing of this application. The Secretary may waive the
22 fines due under this Section in individual cases where the
23 Secretary finds that the fines would be unnecessarily
24 burdensome.

25 Section 80. Endorsement. The Department may issue a

1 license as a music therapist, without administering the
2 required examination, to an applicant licensed under the laws
3 of another state, a U.S. territory, or another country if the
4 requirements for licensure in that state, U.S. territory, or
5 country are, on the date of licensure, substantially equal to
6 the requirements of this Act or to a person who, at the time of
7 his or her application for licensure, possesses individual
8 qualifications that are substantially equivalent to the
9 requirements of this Act.

10 An applicant under this Section shall pay all of the
11 required fees. An applicant shall have 3 years after the date
12 of application to complete the application process. If the
13 process has not been completed within the 3-year time period,
14 the application shall be denied, the fee shall be forfeited,
15 and the applicant shall be required to reapply and meet the
16 requirements in effect at the time of reapplication.

17 Section 85. Privileged communications and exceptions.

18 (a) No licensed music therapist shall disclose any
19 information acquired from persons consulting the therapist in a
20 professional capacity, except that which may be voluntarily
21 disclosed under any of the following circumstances:

22 (1) In the course of formally reporting, conferring, or
23 consulting with administrative superiors, colleagues, or
24 consultants who share professional responsibility, in
25 which instance all recipients of the information are

1 similarly bound to regard the communication as privileged.

2 (2) With the written consent of the person who provided
3 the information and about whom the information concerns.

4 (3) In the case of death or disability, with the
5 written consent of a personal representative.

6 (4) When a communication reveals the intended
7 commission of a crime or harmful act and such disclosure is
8 judged necessary in the professional judgment of the
9 licensed music therapist to protect any person from a clear
10 risk of serious mental or physical harm or injury or to
11 forestall a serious threat to the public safety.

12 (5) When the person waives the privilege by bringing
13 any public charges or filing a lawsuit against the
14 licensee.

15 (b) Any person having access to records or anyone who
16 participates in providing music therapy services, or in
17 providing any human services, or is supervised by a licensed
18 music therapist is similarly bound to regard all information
19 and communications as privileged in accord with this Section.

20 Section 90. Grounds for discipline.

21 (a) The Department may refuse to issue, renew, or may
22 revoke, suspend, place on probation, reprimand, or take other
23 disciplinary or non-disciplinary action as the Department
24 deems appropriate, including the issuance of fines not to
25 exceed \$10,000 for each violation, with regard to any license

1 for any one or more of the following:

2 (1) Material misstatement in furnishing information to
3 the Department or to any other State agency.

4 (2) Violations or negligent or intentional disregard
5 of this Act, or any of its rules.

6 (3) Conviction by plea of guilty or nolo contendere,
7 finding of guilt, jury verdict, or entry of judgment or
8 sentencing, including, but not limited to, convictions,
9 preceding sentences of supervision, conditional discharge,
10 or first offender probation, under the laws of any
11 jurisdiction of the United States: (i) that is a felony or
12 (ii) that is a misdemeanor, an essential element of which
13 is dishonesty, or that is directly related to the practice
14 of music therapy.

15 (4) Making any misrepresentation for the purpose of
16 obtaining a license, or violating any provision of this Act
17 or its rules.

18 (5) Negligence in the rendering of music therapy
19 services.

20 (6) Aiding or assisting another person in violating any
21 provision of this Act or any rules.

22 (7) Failing to provide information within 60 days in
23 response to a written request made by the Department.

24 (8) Engaging in dishonorable, unethical, or
25 unprofessional conduct of a character likely to deceive,
26 defraud, or harm the public and violating the rules of

1 professional conduct adopted by the Department.

2 (9) Failing to maintain the confidentiality of any
3 information received from a client, unless otherwise
4 authorized or required by law.

5 (10) Failure to maintain client records of services
6 provided and provide copies to clients upon request.

7 (11) Exploiting a client for personal advantage,
8 profit, or interest.

9 (12) Habitual or excessive use or addiction to alcohol,
10 narcotics, stimulants, or any other chemical agent or drug
11 which results in inability to practice with reasonable
12 skill, judgment, or safety.

13 (13) Discipline by another governmental agency or unit
14 of government, by any jurisdiction of the United States, or
15 by a foreign nation, if at least one of the grounds for the
16 discipline is the same or substantially equivalent to those
17 set forth in this Section.

18 (14) Directly or indirectly giving to or receiving from
19 any person, firm, corporation, partnership, or association
20 any fee, commission, rebate, or other form of compensation
21 for any professional service not actually rendered.
22 Nothing in this paragraph (14) affects any bona fide
23 independent contractor or employment arrangements among
24 health care professionals, health facilities, health care
25 providers, or other entities, except as otherwise
26 prohibited by law. Any employment arrangements may include

1 provisions for compensation, health insurance, pension, or
2 other employment benefits for the provision of services
3 within the scope of the licensee's practice under this Act.
4 Nothing in this paragraph (14) shall be construed to
5 require an employment arrangement to receive professional
6 fees for services rendered.

7 (15) A finding by the Department that the licensee,
8 after having the license placed on probationary status, has
9 violated the terms of probation.

10 (16) Failing to refer a client to other health care
11 professionals when the licensee is unable or unwilling to
12 adequately support or serve the client.

13 (17) Willfully filing false reports relating to a
14 licensee's practice, including, but not limited to, false
15 records filed with federal or State agencies or
16 departments.

17 (18) Willfully failing to report an instance of
18 suspected child abuse or neglect as required by the Abused
19 and Neglected Child Reporting Act.

20 (19) Being named as a perpetrator in an indicated
21 report by the Department of Children and Family Services
22 pursuant to the Abused and Neglected Child Reporting Act,
23 and upon proof by clear and convincing evidence that the
24 licensee has caused a child to be an abused child or
25 neglected child as defined in the Abused and Neglected
26 Child Reporting Act.

1 (20) Physical or mental disability, including
2 deterioration through the aging process or loss of
3 abilities and skills which results in the inability to
4 practice the profession with reasonable judgment, skill,
5 or safety.

6 (21) Solicitation of professional services by using
7 false or misleading advertising.

8 (22) Failure to file a return, or to pay the tax,
9 penalty of interest shown in a filed return, or to pay any
10 final assessment of tax, penalty or interest, as required
11 by any tax Act administered by the Illinois Department of
12 Revenue or any successor agency or the Internal Revenue
13 Service or any successor agency.

14 (23) Fraud or making any misrepresentation in applying
15 for or procuring a license under this Act or in connection
16 with applying for renewal of a license under this Act.

17 (24) Practicing or attempting to practice under a name
18 other than the full name as shown on the license or any
19 other legally authorized name.

20 (25) Gross overcharging for professional services,
21 including filing statements for collection of fees or
22 monies for which services are not rendered.

23 (26) Charging for professional services not rendered,
24 including filing false statements for the collection of
25 fees for which services are not rendered.

26 (27) Allowing one's license under this Act to be used

1 by an unlicensed person in violation of this Act.

2 (b) The Department shall deny, without hearing, any
3 application or renewal for a license under this Act to any
4 person who has defaulted on an educational loan guaranteed by
5 the Illinois State Assistance Commission; however, the
6 Department may issue a license or renewal if the person in
7 default has established a satisfactory repayment record as
8 determined by the Illinois Student Assistance Commission.

9 (c) The determination by a court that a licensee is subject
10 to involuntary admission or judicial admission as provided in
11 the Mental Health and Developmental Disabilities Code will
12 result in an automatic suspension of his or her license. The
13 suspension will end upon a finding by a court that the licensee
14 is no longer subject to involuntary admission or judicial
15 admission, the issuance of an order so finding and discharging
16 the patient, and the determination of the Secretary that the
17 licensee be allowed to resume professional practice.

18 (d) The Department may refuse to issue or renew or may
19 suspend without hearing the license of any person who fails to
20 file a return, to pay the tax penalty or interest shown in a
21 filed return, or to pay any final assessment of the tax,
22 penalty, or interest as required by any Act regarding the
23 payment of taxes administered by the Illinois Department of
24 Revenue until the requirements of the Act are satisfied in
25 accordance with subsection (g) of Section 2105-15 of the Civil
26 Administrative Code of Illinois.

1 (e) In cases where the Department of Healthcare and Family
2 Services has previously determined that a licensee or a
3 potential licensee is more than 30 days delinquent in the
4 payment of child support and has subsequently certified the
5 delinquency to the Department, the Department may refuse to
6 issue or renew or may revoke or suspend that person's license
7 or may take other disciplinary action against that person based
8 solely upon the certification of delinquency made by the
9 Department of Healthcare and Family Services in accordance with
10 item (5) of subsection (a) of Section 2105-15 of the Department
11 of Professional Regulation Law of the Civil Administrative Code
12 of Illinois.

13 (f) All fines or costs imposed under this Section shall be
14 paid within 60 days after the effective date of the order
15 imposing the fine or costs or in accordance with the terms set
16 forth in the order imposing the fine.

17 Section 95. Suspension of license for failure to pay
18 restitution. The Department, without further process or
19 hearing, shall suspend the license or other authorization to
20 practice of any person issued under this Act who has been
21 certified by court order as not having paid restitution to a
22 person under Section 8A-3.5 of the Illinois Public Aid Code or
23 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
24 the Criminal Code of 2012. A person whose license or other
25 authorization to practice is suspended under this Section is

1 prohibited from practicing until the restitution is made in
2 full.

3 Section 100. Violations; injunction; cease and desist
4 order.

5 (a) If any person violates the provisions of this Act, the
6 Secretary may, in the name of the People of the State of
7 Illinois, through the Attorney General of the State of Illinois
8 or the State's Attorney of any county in which the violation is
9 alleged to have occurred, petition for an order enjoining the
10 violation or for an order enforcing compliance with this Act.
11 Upon the filing of a verified petition, the court with
12 appropriate jurisdiction may issue a temporary restraining
13 order without notice or bond, and may preliminarily and
14 permanently enjoin the violation. If it is established that the
15 person has violated or is violating the injunction, the court
16 may punish the offender for contempt of court. Proceedings
17 under this Section are in addition to all other remedies and
18 penalties provided by this Act.

19 (b) If any person holds himself or herself out as being a
20 licensed music therapist under this Act and is not licensed to
21 do so, then any licensed music therapist, interested party, or
22 any person injured thereby may petition for relief as provided
23 in subsection (a) of this Section.

24 (c) Whenever, in the opinion of the Department, a person
25 violates any provision of this Act, the Department may issue a

1 rule to show cause why an order to cease and desist should not
2 be entered against that person. The rule shall clearly set
3 forth the grounds relied upon by the Department and shall allow
4 at least 7 days from the date of the rule to file an answer
5 satisfactory to the Department. Failure to answer to the
6 satisfaction of the Department shall cause an order to cease
7 and desist to be issued.

8 Section 105. Investigations; notice and hearing. The
9 Department may investigate the actions of any applicant or any
10 person holding or claiming to hold a license. The Department
11 shall, before revoking, suspending, placing on probation,
12 reprimanding, or taking any other disciplinary action under
13 Section 90 of this Act, at least 30 days prior to the date set
14 for the hearing, (i) notify the accused, in writing, of any
15 charges made and the time and place for the hearing on the
16 charges, (ii) direct him or her to file a written answer to the
17 charges with the Department under oath within 20 days after
18 service of the notice, and (iii) inform the accused that, if he
19 or she fails to answer, default will be taken against him or
20 her or that his or her license or certificate may be suspended,
21 revoked, placed on probationary status, or other disciplinary
22 action taken with regard to the license, including limiting the
23 scope, nature, or extent of his or her practice, as the
24 Department may deem proper. In case the person, after receiving
25 notice, fails to file an answer, his or her license may, in the

1 discretion of the Department, be suspended, revoked, placed on
2 probationary status, or the Department may take whatever
3 disciplinary action considered proper, including limiting the
4 scope, nature, or extent of the person's practice or the
5 imposition of a fine, without a hearing, if the act or acts
6 charged constitute sufficient grounds for such action under
7 this Act. The written notice may be served by personal delivery
8 or certified mail to the licensee's address of record.

9 Section 110. Record of proceedings; transcript. The
10 Department, at its expense, shall preserve a record of all
11 proceedings at the formal hearing of any case.

12 Section 115. Subpoenas; depositions; oaths. The Department
13 may subpoena and bring before it any person in this State and
14 take the oral or written testimony or compel the production of
15 any books, papers, records, or any other documents that the
16 Secretary or his or her designee deems relevant or material to
17 any investigation or hearing conducted by the Department with
18 the same fees and mileage and in the same manner as prescribed
19 in civil cases in the courts of this State. The Secretary, the
20 shorthand court reporter, and the designated hearing officer
21 may administer oaths at any hearing which the Department
22 conducts. Notwithstanding any other statute or Department rule
23 to the contrary, all requests for testimony and for the
24 production of documents or records shall be in accordance with

1 this Act.

2 Section 120. Compelling testimony. Any court, upon
3 application of the Department, designated hearing officer, or
4 the applicant or licensee against whom proceedings under
5 Section 90 of this Act are pending, may order the attendance
6 and testimony of witnesses and the production of relevant
7 documents, papers, files, books, and records in connection with
8 any hearing or investigation. The court may compel obedience to
9 its order by proceedings for contempt.

10 Section 125. Findings and recommendations. At the
11 conclusion of the hearing, the hearing officer shall present to
12 the Secretary a written report of its findings of fact,
13 conclusions of law, and recommendations. The report shall
14 contain a finding whether the licensee violated this Act or
15 failed to comply with the conditions required in this Act. The
16 hearing officer shall specify the nature of the violation or
17 failure to comply, and shall make its recommendations to the
18 Secretary. The report of findings of fact, conclusions of law,
19 and recommendation of the hearing officer shall be the basis
20 for the Department's order for refusing to issue, restore, or
21 renew a license, or for otherwise disciplining a licensee. If
22 the Secretary disagrees with the recommendations of the hearing
23 officer, the Secretary may issue an order in contravention of
24 the hearing officer's recommendations. The finding is not

1 admissible in evidence against the person in a criminal
2 prosecution brought for the violation of this Act, but the
3 hearing and findings are not a bar to a criminal prosecution
4 brought for the violation of this Act

5 Section 130. Secretary; rehearing. Whenever the Secretary
6 believes justice has not been done in the revocation,
7 suspension, or refusal to issue or renew a license or the
8 discipline of a licensee, he or she may order a rehearing.

9 Section 135. Appointment of a hearing officer. The
10 Secretary has the authority to appoint any attorney licensed to
11 practice law in the State of Illinois to serve as the hearing
12 officer in any action for refusal to issue or renew a license
13 or permit or to discipline a licensee. The hearing officer has
14 full authority to conduct the hearing. The hearing officer
15 shall report his findings of fact, conclusions of law, and
16 recommendations to the Secretary.

17 Section 140. Order or certified copy; prima facie proof.
18 An order or certified copy thereof, over the seal of the
19 Department and purporting to be signed by the Secretary, is
20 prima facie proof that:

21 (1) the signature is the genuine signature of the
22 Secretary; and

23 (2) the Secretary is duly appointed and qualified.

1 Section 145. Restoration of license from discipline. At any
2 time after the successful completion of a term of indefinite
3 probation, suspension, or revocation of a license, the
4 Department may restore the license to active status, unless,
5 after an investigation and a hearing, the Secretary determines
6 that restoration is not in the public interest. No person whose
7 license has been revoked as authorized in this Act may apply
8 for restoration of that license until such time as provided for
9 in the Civil Administrative Code of Illinois.

10 Section 150. Surrender of license. Upon the revocation or
11 suspension of a license, the licensee shall immediately
12 surrender his or her license to the Department. If the licensee
13 fails to do so, the Department has the right to seize the
14 license.

15 Section 155. Summary suspension of license. The Secretary
16 may summarily suspend the license of a music therapist without
17 a hearing, simultaneously with the institution of proceedings
18 for a hearing provided for in Section 105 of this Act, if the
19 Secretary finds that the evidence indicates that the
20 continuation of practice by the music therapist would
21 constitute an imminent danger to the public. In the event that
22 the Secretary summarily suspends the license of an individual
23 without a hearing, a hearing must be held within 30 days after

1 the suspension has occurred and shall be concluded as
2 expeditiously as possible.

3 Section 160. Administrative review; venue.

4 (a) All final administrative decisions of the Department
5 are subject to judicial review pursuant to the Administrative
6 Review Law and its rules. The term "administrative decision" is
7 defined as in Section 3-101 of the Code of Civil Procedure.

8 (b) Proceedings for judicial review shall be commenced in
9 the circuit court of the county in which the party applying for
10 review resides, but if the party is not a resident of Illinois,
11 the venue shall be in Sangamon County.

12 Section 165. Certification of record; costs. The
13 Department shall not be required to certify any record to the
14 court, to file an answer in court, or to otherwise appear in
15 any court in a judicial review proceeding, unless and until the
16 Department has received from the plaintiff payment of the costs
17 of furnishing and certifying the record, which costs shall be
18 determined by the Department. Failure on the part of the
19 plaintiff to file the receipt in court is grounds for dismissal
20 of the action.

21 Section 170. Violations. Unless otherwise specified, any
22 person found to have violated any provision of this Act is
23 guilty of a Class A misdemeanor.

1 Section 175. Administrative Procedure Act; application.
2 The Illinois Administrative Procedure Act is hereby expressly
3 adopted and incorporated in this Act as if all of the
4 provisions of such Act were included in this Act, except that
5 the provision of paragraph (d) of Section 10-65 of the Illinois
6 Administrative Procedure Act, which provides that at hearings
7 the license holder has the right to show compliance with all
8 lawful requirements for retention, continuation, or renewal of
9 the certificate, is specifically excluded. For the purpose of
10 this Act the notice required under Section 10-25 of the
11 Illinois Administrative Procedure Act is deemed sufficient
12 when mailed to the last known address of a party or the address
13 of record.

14 Section 180. Home rule. The regulation and licensing of
15 music therapists are exclusive powers and functions of the
16 State. A home rule unit may not regulate or license music
17 therapists. This Section is a denial and limitation of home
18 rule powers and functions under subsection (h) of Section 6 of
19 Article VII of the Illinois Constitution.

20 Section 185. Confidentiality. All information collected by
21 the Department in the course of an examination or investigation
22 of a licensee or applicant, including, but not limited to, any
23 complaint against a licensee filed with the Department and

1 information collected to investigate any such complaint, shall
2 be maintained for the confidential use of the Department and
3 shall not be disclosed. The Department shall not disclose the
4 information to anyone other than law enforcement officials,
5 regulatory agencies that have an appropriate regulatory
6 interest as determined by the Secretary, or a party presenting
7 a lawful subpoena to the Department. Information and documents
8 disclosed to a federal, State, county, or local law enforcement
9 agency shall not be disclosed by the agency for any purpose to
10 any other agency or person. A formal complaint filed against a
11 licensee or registrant by the Department or any other complaint
12 issued by the Department against a licensee, registrant, or
13 applicant shall be a public record, except as otherwise
14 prohibited by law.

15 Section 190. Conflict with Act. All laws and parts of laws
16 in conflict with this Act are repealed.

17 Section 999. Effective date. This Act takes effect upon
18 becoming law.